IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11158 of 2000
with
SPECIAL CIVIL APPLICATION Nos 5190,3819,3820,5148
6381,6416,4139,7929 and 9855 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PIJ PEOPLE'S COOPERATIVE BANK LTD.

Versus

REGISTRAR

Appearance:

1. Special Civil Application No. 11158, of 2000
MR RD DAVE for Petitioner No. 1-2
2. Special Civil Application No.5190/2000
Ms.Avani S.Mehta for petitioners
3. Special Civil Application Nos 5148,6381 & 6416/2000
Mr.B.S.Patel & R.B.Patel for petitioners
4. Special Civil Application Nos 3819, 3820,4139,7929 and 9855/2000
Mr.Ravind R.Shah for petitioners

Mr.A.D.Oza,GOVERNMENT PLEADER for Respondents in all

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 01/05/2002

ORAL(COMMON)JUDGEMENT

Upon perusal of the order passed by the authority which is under challenge, it appears that the same has been passed for initiation of inquiry under section 93 of the Gujarat Cooperative Societies Act (hereinafter referred to as "the Act"). As per the provisions of Section 153 read with Section 150(9) of the Act, there is remedy provided before the Gujarat State Cooperative Tribunal (hereinafter referred to as "the Tribunal"). However, the remedy is not exhausted.

2. Normally, when the statute provides alternative remedy this court would not exercise powers under Article 226 of the Constitution and therefore considering the facts and circumstances of the case when the remedy is available, there is no reason for not to relegate the petitioners to such remedy. Hence, these petitions are not entertained. Rule in each petition is discharged. There shall be no order as to costs.

3. Without expressing any opinion on merits, it is directed that the ad interim relief granted and continued from time to time in each petition shall continue to remain in operation for a period of two weeks from today.

1.5.2002 (JAYANT PATEL,J)